App. F. IX-4

1927
(pris)

File No. 28-27

Serial Nos. 1-4

Previous References
pris 36-18 (1-5)
" 84-23-1

Later References
Pris 74 20 (1-4)
LG 150-30, 1-2 —

General and Revenue Secretariat.

Serial Nos. Four

Part B for Nov 27

SUBJECT

Central province Children Bill

To
~~The — I.G. of pns~~

82/R. Gen 179

App. F. III—2]

General and Revenue Secretariat. Pro | File No: 48 of 1927 | (1)

D.no 8300 / 8721 / 8981

Serial No.

Extract of I Member's orders in the File relating to Irrigation Bill & Central Provinces Children Bill no XI of 1927.

3A

(2)

These papers relate to two important matters, viz, the grant of Crown lands to 1) bonafide would-be peasant proprietors and the protection of Children; and may 2) be submitted to Dewan and III Member for perusal.

3) The Rev Comr and the I.G.P respectively may perhaps be consulted in the first instance regarding whether any similar action is required here.

Intd K. C 26/6/27

4) Chief Secy's orders.

"Put these papers in two separate files, and send them to Branches concd, with an extract of Member's order, for necessary action."

Intd N. M. 1/7/27

5) To [illegible] with refce to 2) above with the Children Bill & the Rev Commr thereon

HK 4/7/27

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

6) The Govt. Secy. decline, it is [illegible] to receive this. This may be kindly referred to ~~[illegible]~~ Secy

AWK 8)
5-7-29

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

7) [illegible]

Prosr. AWK 5/7/29

The questions relating to the introduction of a Reformatory Sc. & Children Act relate to the Prison Section of the G. M. Br. & ~~[illegible]~~ the report below to this Br. when this is returned [illegible] Re [illegible]

2

82

G.R.S. III—3]

111

Pris 48-27

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

9) Genl Br)

6/7

10) Draft Subd

/7

Gen. Secy) 7/7

11) 7/7

8/7

12) Issue

8/7/27

To Ser. I.G. of Prisons

No 4333 dt 12.7.27

Calls for his views as to whether any similar action is necessary here.

Sus

13/7

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

3367

~~2869~~

G. R. S. III—3] ~~Pri 48-2~~ (3

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Pri 48-27-2

From the I. G. of Prisons
[illegible]
No C. 88-4 d 16-8-27
States ~~[illegible]~~ for reasons given
that he is in favour of introducing
a bill similar ~~to that of the~~
~~Central~~ Province Children Bill
of 1927

13) The bill of the Central Provinces
has not been sent. D/- asking
for it is subd

D.N.K.
28/9/27

5
27/9

14) Issue
draft
30/9

Issued
No 3792 dt 4.10.27

Pri 48-27 — 3

D. No. 2869

Pri 48-23 — 4

From the I. G. of Prisons.
No. C 88-5/97-29
d 10.10.27

Returns the copy of the
Central Province Children
Bill of 1927.

N. B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

15) Subd for perusal &
orders with reference to
para 3 supra

10

4

Pro 48-27

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Para 3 Supra.

The I.G. of prisons is in favour of introducing a bill on the lines of the C.P. children's bill. ~~He~~ It will be observed that the scope of the C.P. bill extends not only to the trial and punishment of youthful offenders but also includes provision for the custody and protection of children and young persons. While ~~there~~ ~~has~~ Govt. have received repeated representations about starting a reformatory, there has been no demand so far for legislation about the protection of young persons

N. B.—Should routine notes be written on small slips the notes must be cipoed, or slips pasted on this form.

2159

Pri 48-27

5

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The question of undertaking legislation about youthful offenders will have to be considered only after the scheme for the institution of reformatories ~~or~~ has ~~taken~~ assumed a practical shape.

Secy
8/11

Gen. Secy)

3747
10/11

First member. The?

What about Hebbal Scheme?

RB
9/11

9/11

RB
11/11

11/11

C.O. please put up
13/11

Subd. It is stated in the linked file that no portion of the Hebbal farm would be available for growing of vegetables for the use of prisoners

16/11

4017
17/11

Gen. Secy)

Secy
16/11

First member.

RB
16/11

16/11

11/11

RB
18/11

20/11

6

G. R. S. III—3] 2407 Pri 48-27

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.

Submitted for orders on the linked file

Gen. Secy)

we
21/11

Please

See the file .. Make out the principle file

Rg
23/11

B/ C.W.
Why not obtain specific orders on both files
MSN
29/11/17

This May ~~this~~ be recorded for orders
1/12
30/11

P.S. MSN
30/11

B/ The file is being worked up separately. No final orders have yet been passed.

23/12

N. B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

UBJECT.. (7

Section Pris

File No. 48-27

Serial No. 1

No. G 333/4/1

Diary No. of letter replied to ....

General and Revenue Secretariat
(   )
the   192

Date of issue 12/7/27

Signed by Mr. M. S

To

The Inspector General of Prisons
in Mysore,
Bangalore

Sir,

I am directed to forward herewith a copy of the Central Provinces Children Bill 1927 and to request you to favour Govt with your views as to whether any similar action is necessary here.

An early reply is requested.

I have

R.B.
2/7
for Secy

List of enclosures..............

Copied by [illegible] 9/7

Examined by ....

over

Gen 2367

No. e.88-4 Office of the Inspector-General of Prisons
in Mysore,
Dated Bangalore, 16th ~~August~~ Sep. 1927.

Pris 48-27-2

From

The Inspector-General of Prisons
in Mysore, Bangalore.

To

The General Secretary to the Government
of H.H. the Maharaja of Mysore,
Bangalore.

17/9

Sir,

With reference to your letter No. G. 333/Pris dated the 12th July 1927, forwarding a copy of the Central Provinces Children Bill 1927 and asking for my views as to whether any similar legislation is necessary for Mysore, I have the honour to state that the Bill takes note of the basic fact that the habitual criminal embarks on his life of crime quite early in his " impressionable " age. This is a fundamental truth which is coming into wider practical recognition than ever before and has in fact influenced and moulded the modern methods of Jail administration and of dealing with crime and criminals generally. But by far the greatest significance attaching to it is the possibility opened up for reducing crime, by preventing the conditions which foster the incessant output of young criminals into society. I am therefore in favour of introducing a bill similar to that of the Central Provinces Bill. This would but be complementary to other measures which involve the same principle and which have recently been sanctioned by Government viz., the establishment of a Borstal School and the constitution of Released Prisoners' Aid Society.

I have the honour to be,
Sir,
Your most obedient servant,

Inspector-General of Prisons.

avl.

58177

(9

Letter No. C.136/383, dated the 6th June 1927, from the Secretary to the Government of Central Provinces, Legislative Department, Pachmarhi, to the Hon'ble the Resident in Mysore.

G. D. SECTION
Protection
16 JU 27
GEN. & REV. SECTT.

---:0:---

D 8721
21

The Central Provinces Children Bill, 1927.

In reply to your letter No.4999/74-1917, dated the 1st June 1927, I am directed to forward herewith a copy of the Central Provinces Children Bill, 1927, for the information of the Mysore Government.

Pol. 1398

---:0:---

No. 5586 En

Office of the Resident in Mysore,
Bangalore 16th June 1927.

Copy with enclosure is forwarded with compliments to the Chief Secretary to the Government of His Highness the Maharaja of Mysore, with reference to his letter No.Pol.1030/L.R., dated the 27th May 1927.

Rd
16/6

GMBr
1826

Revenue Branch)

Mr PSN

for SECRETARY TO THE RESIDENT.

A. F. VI. Gl.]

(10

SUBJECT

Section Pris
File No. 48-27
Serial No. B

Diary No. of letter replied to V 37

No. G 3792

General and Revenue Secretariat
( )
the 192

To
The I. G. of Prisons in Mysore
Bangalore

Date of issue 4·10·27

Signed by Mr. M. S.

Sir,

With reference to your letter No C. 88-4 dated 16th Sept 27 stating that you are in favour of introducing a bill similar to ~~that~~ that of the Central Province Children Bill 1927 I am directed to request you to return the Central Province Children Bill 1927 as the same has not been received with your letter under reply.

I have &c
for

1/
27

List of enclosures

Copied by C.M.
1/10

Examined by

over

No C. 8.8-5 / 97-27 Genl. Office of the Inspector General of Prisons
in Mysore,

Bangalore, dated the 10th Oct: 1927.

Gen 2869

From

B. Mahomed Usmon, Esq., L.M. & S.,
Inspector General of Prisons in Mysore, Bangalore.

Pris. 4 8-27-4

To

R. Ranga Rao Esq., B.A.,B.L.,
General Secretary to Government, Bangalore.

Sir,

With reference to your No. G. 3792/Prs. dated the 4th October 1927, I have the honor to return herewith the copy of the Central Province Children Bill of 1927 as requested.

I have the honor to be,

Sir,

Your most obedient servant,

M Usman

Inspector General of Prisons.

a.r.m.

15/10

12/10

15/10

THE CENTRAL PROVINCES CHILDREN BILL, 1927.

CENTRAL PROVINCES BILL No. XI OF 1927.

A Bill to make further provision for the custody and protection of children and young persons and for the custody, trial and punishment of youthful offenders and for the amendment of the Reformatory Schools Act, 1897, in its application to the Central Provinces.

VIII of 1897.

WHEREAS it is expedient to make further provision for the custody and protection of children and young persons and for the custody, trial and punishment of youthful offenders and for the amendment of the Reformatory Schools Act, 1897, in its application to the Central Provinces; and whereas the previous sanction of the Governor General required by clauses (*c*), (*f*) and (*h*) of sub-section (3) of section 80-A of the Government of India Act has been obtained to the passing of this Act;

It is hereby enacted as follows:—

Sources of clauses.

PART I.

PRELIMINARY.

Sec. 1, Bombay Act XIII of 1924.

Short title and extent.

1. (1) This Act may be called the Central Provinces Children Act, 192 .

(2) The Local Government may, by notification, apply the whole or any part of this Act to children, young persons or youthful offenders or any class thereof in any local area in the Central Provinces from such date as may be specified in the notification.

Sec. 3, *ibid*.

Interpretation clause.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "child" means a person under the age of fourteen years and, when used with reference to a child sent to a certified school, applies to that child during the whole period of his detention, notwithstanding that the child may have attained the age of fourteen years;

(*b*) "young person" means a person who is fourteen years of age or upwards but under the age of sixteen years;

(*c*) "youthful offender" means any person who has been convicted of an offence punishable with transportation or imprisonment and who, at the time of such conviction, was under the age of sixteen years;

(*d*) "certified school" means an industrial school established under sub-section (1) or certified under sub-section (2) of section 37 of this Act;

(*e*) "guardian" in relation to a youthful offender, child or young person includes any person who in the opinion of the court having cognizance of any proceedings in relation to the youthful offender, child or young person or in which the youthful offender, child or young person is concerned, has for the time being the actual charge of or control over the youthful offender, child or young person;

(*f*) "fit person" in relation to the care of any child or young person includes any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children which undertakes to bring up or to give facilities for bringing up any child entrusted to its care in conformity with the religion of its birth;

3

Sources of clauses.

(*g*) "place of safety" includes any orphanage, hospital, surgery or any other suitable place or institution the occupier or manager of which is willing temporarily to receive a child or young person; or where such orphanage, hospital, surgery or other suitable place or institution is not available, in the case of a male child or young person only, a police station;

(*h*) "brothel" means any house, room or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purposes of prostitution.

Amendment of ection 4 of Act 'III of 1897.

3. For the word "fifteen" in the definition of "youthful offender" in section 4 of the Reformatory Schools Act, 1897, VIII of 1897. the word "sixteen" shall be substituted.

Sec. 4, Bombay Act XIII of 1924.

'owers of Courts.

4. The powers conferred on courts by this Act may be exercised by—

(*a*) the Judicial Commissioner's Court;
(*b*) a Court of Session;
(*c*) a District Magistrate;
(*d*) a sub-divisional magistrate;
(*e*) a juvenile court constituted under section 49; and
(*f*) a magistrate of the first class, and may be exercised by such courts whether the case comes before them originally or on appeal, or revision.

Sec. 5, *ibid.*

Procedure when magistrate is not empowered to pass an order under this Act.

5. (1) When any magistrate not empowered to pass an order under this Act is of opinion that a child or young person brought before him or convicted by him is a proper person to be sent to a certified school or to be dealt with in any other manner in which the case may be dealt with under this Act, he shall record such opinion and submit his proceedings and forward the child or young person to the District Magistrate or sub-divisional magistrate to whom he is subordinate or to the nearest juvenile court having jurisdiction in the case.

(2) The court or magistrate to whom the proceedings are so submitted after making such further inquiry, if any, as he thinks fit, may make such order in accordance with the provisions of this Act, as he thinks fit.

Sec. 6, *ibid.*

PART II.

MEASURES FOR THE CUSTODY AND PROTECTION OF CHILDREN AND YOUNG PERSONS WHO ARE DESTITUTE, ETC.

Children found wandering, etc.

6. (1) Any police officer or any other person duly authorized in this behalf may bring before a court any person who in his opinion is a child or young person and is not subject to proper care and supervision, that is to say,—

(*a*) is found wandering and has no home, settled place of abode or visible means of subsistence, or is found wandering and has no parent or guardian who exercises regular and proper guardianship; or

(*b*) is found destitute and his parents are, or his surviving parent or other guardian, or, in the case of an illegitimate child, his mother or other guardian is undergoing transportation or imprisonment; or

(*c*) is under the care of a parent or guardian who, by reason of criminal habits, is unfit to have the care of such person; or

(*d*) frequents the company of any reputed thief or prostitute; or

(*e*) is lodging or residing in a house used by a prostitute for the purposes of prostitution:

Sec. 7, Bombay Act XIII of 1924.

Provided that, when any such child or young person has a parent or guardian who has the actual charge of or control over the child or young person, the police officer or other person as aforesaid shall, in the first instance, make a report to the nearest court having jurisdiction under this Act. Such court may call upon the parent or guardian to show cause why the said child or young person should not, during the pendency of the proceedings, be removed from his charge

THE CENTRAL PROVINCES CHILDREN BILL, 1927.

CENTRAL PROVINCES BILL No. XI OF 1927.

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16

Sources of clauses.

or control; and may on suitable sureties being offered for the safety of such child or young person and for his being brought before the court, permit the child or young person to remain in the actual charge or control of his parent or guardian or may order his removal till the court passes orders under this Act. For such removal the court may make such order as circumstances may admit and require and any such order may be carried out notwithstanding that any person claims the custody of the child or young person.

(2) The court before which a child or young person is brought under sub-section (1) shall examine the information and record the substance of such examination and shall if it thinks that there are sufficient grounds for inquiring further, fix a date for such inquiry.

(3) On the date fixed for the production of the child or young person or for the inquiry or on any subsequent date to which the proceedings may be adjourned the court shall hear and record all evidence which may be adduced and consider any cause which may be shown why an order sending the child to a certified school should not be passed and may make such further inquiry as it thinks fit.

(4) If the court is satisfied that the person brought before it is a child and is not subject to proper care and supervision within the meaning of sub-section (1) and that it is expedient so to deal with him, the court may order him to be sent to a certified school.

(5) Instead of ordering such child to be sent to a certified school the court may order him to be committed to the care of a relative or other fit person named by the court, who is willing to undertake such care until he attains the age of sixteen years or for any shorter period.

(6) If the court is satisfied that the person brought before it is a young person and is not subject to proper care and supervision within the meaning of sub-section (1) and that it is expedient so to deal with him, the court may order him to be committed to the care of a relative or other fit person named by the court, who is willing to undertake such care, until he attains the age of sixteen years or for any shorter period.

(7) The court which makes an order committing a person to the care of a relative or other fit person under this section may, in addition, order that he be placed under the supervision of a person named by the court.

Sec. 8, Bombay Act XIII of 1924.

Uncontrollable children.

7. Where the parent or guardian of a child proves to a court that he is unable to control the child, and that he desires the child to be sent to a certified school, the court, if satisfied, after inquiry, that it is expedient so to deal with the child and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

PART III.

OFFENCES AGAINST CHILDREN AND YOUNG PERSONS AND THEIR PREVENTION.

Sec. 9, Bombay Act XIII of 1924.

Cruelty to children and young persons.

8. (1) Whoever having the actual charge of or control over a child or young person abandons, exposes or wilfully neglects or ill-treats such child or young person in a manner likely to cause such child or young person unnecessary suffering or injury to his health shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to two hundred rupees or with both.

(2) For the purposes of this section injury to health includes injury to, or loss of, sight or hearing and injury to limb or organ of the body and any mental derangement, and a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if he wilfully fails to provide adequate food, clothing, medical aid or lodging for the child or young person.

Sources of clauses.

(3) A person may be convicted of an offence under this section notwithstanding that actual suffering or injury to health was obviated by the action of another person.

(4) Nothing in this section shall be construed to take away or affect the right of any parent, teacher or other persons having the lawful control or charge of a child or young person to administer punishment to such child or young person.

Causing or allowing child or young person to beg.

9. (1) Whoever for his own profit causes any child or young person, or having the actual charge of or control over a child or young person allows that child or young person to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms, shall be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

Sec. 10, Bombay Act XIII of 1924.

(2) The Local Government may, by notification, exempt from liability to punishment under this section any class of persons in any local area where this Act or any part of it may be in force.

Being drunk while in charge of a child.

10. (1) If any person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, while having the charge of a child apparently under the age of seven years and it such person is incapable by reason of his drunkenness of taking due care of the child, he may be arrested and shall, if the child is under that age, be punishable with fine which may extend to fifty rupees.

Sec. 2, Bombay Act X of 1925.

Presumption as to age of child.

(2) For the purposes of this section a child shall be deemed to be under the age of seven, unless the contrary is proved, if he appears to the court to be under that age.

Giving intoxicating liquor to a child.

11. Whoever in any highway or other public place, whether a building or not, or on any licensed premises gives or causes to be given to any child any intoxicating liquor, except upon the order of a duly qualified medical practitioner or in case of sickness or other urgent cause, shall be punishable with fine which may extend to fifty rupees.

Ibid.

Seizure by police officer of any bidis, cigarettes, tobacco or smoking mixture in possession of a child.

12. (1) Any police officer who finds a child smoking in any street or public place shall seize any bidis, cigarettes, tobacco or smoking mixture in the possession of such child and any bidis, cigarettes, tobacco or smoking mixture so seized shall be forfeited to Government.

Ibid.

(2) A police officer acting under this section may search the child found smoking, if a boy.

Inciting a child or young person to be or borrow.

13. Whoever by words, either spoken or written, or by signs or otherwise incites or attempts to incite a child or young person to make any bet or wager or to enter into or take any share or interest in any betting or wagering transaction to borrow money or to enter into any transaction involving the borrowing of money shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Ibid.

Taking pawn from a child or young person.

14. Whoever takes an article in pawn from a child or young person whether offered by that person on his own behalf or on behalf of any other person shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Ibid.

Allowing child or young person to reside or frequent brothel.

15. Whoever, having the actual charge of or over a child or young person between the ages of four and sixteen, allows that child or young person to reside in or frequent a brothel shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Sec. 11, Bombay Act XIII of 1924.

Causing or encouraging seduction, etc., of young girl.

16. (1) Whoever, having the actual charge of or control over a girl under the age of sixteen years, causes or encourages the seduction or prostitution of that girl or causes or encourages any one other than her husband to have sexual intercourse with her shall be punishable with

Sec. 12, *ibid.*

Sources of clauses.

imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

(2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction or prostitution of, or the unlawful sexual intercourse with, a girl who has been seduced or become a prostitute or with whom such sexual intercourse has been had, if he has knowingly allowed the girl to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

Sec. 13, Bombay Act XIII of 1924

Young girls exposed to risk of seduction, etc., or cruelly treated.

17. If it appears to a court on the complaint of any person that a girl under the age of sixteen is being treated with cruelty by her parent or guardian or that such girl with the knowledge of her parent or guardian is exposed to the risk of seduction or prostitution or living a life of prostitution the court may direct the parent or guardian to enter into a bond, with or without sureties, to exercise due care and supervision in respect of such girl.

Sec. 14, *ibid.*

Detention of child or young person in place of safety.

18. (1) Any police officer, not below the rank of Sub-Inspector and any police officer or other person, duly authorized in this behalf, may take to a place of safety any child or young person in respect of whom an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, has been or is believed to have been committed.

XLV of 1860.

(2) A child or young person so taken to a place of safety and any child or young person who seeks refuge in a place of safety may there be detained until he can be brought before a court but such detention shall not in the absence of a special order of the court exceed a period of twenty-four hours exclusive of the time necessary for the journey from the place of detention to the court and the court may make such order as is mentioned in sub-section (3) or may cause the child or young person to be dealt with as circumstances may admit and require until the charge made against any person in respect of any offence as aforesaid with regard to the child or young person has been determined by the conviction, discharge or acquittal of such person.

(3) Where it appears to the court that an offence as aforesaid has been committed in respect of any child or young person who is brought before the court and that it is expedient in the interests of the child or young person that an order should be made under this sub-section, the court may make such order as circumstances may admit and require for the care and detention of the child or young person until a reasonable time has elapsed for a charge to be made against some person for having committed the offence and if a charge is made against any person within that time, until the charge has been determined by the conviction, discharge or acquittal of that person and, in the case of conviction, for such further time not exceeding one month as the court which convicted may direct, and any such order may be carried out notwithstanding that any person claims the custody of the child or young person.

Sec. 15, *ibid.*

Disposal of child or young person by order of court.

19. (1) Where any person having the actual charge of or control over a child or young person has been—

(*a*) convicted of committing in respect of such child or young person an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, or

XLV of 1860.

(*b*) committed for trial for any such offence, or

(*c*) bound over to keep the peace towards such child or young person,

by any court, that court may either at the time when such person is so convicted, committed for trial or bound over or at any other time, order that the child or young person be taken out of the charge and control of the person so convicted, committed for trial or bound over and be committed to the care of a relative of the child or young person or other fit person named by the court, who is willing to undertake such care, until he attains the age of sixteen years or for any shorter period and the court may, of its own motion or on the application of any person, from time to time by order renew, vary and revoke any such order.

Sources of clauses.

(2) The court which makes an order committing a child or young person to the care of a relative or other fit person under this section may, in addition, order that the child or young person be placed under the supervision of a person named by the court.

(3) If the child or young person has a parent or legal guardian, no order shall be made under this section unless the parent or legal-guardian has been convicted of or committed for trial for the offence or is under committal for trial for having been, or has been proved to the satisfaction of the court making the order to have been, party or privy to the offence or has been bound over to keep the peace towards the child or young person or cannot be found.

(4) Every order under this section shall be in writing and any such order may be made by the court in the absence of the child or young person; and the consent of any person to undertake the care of the child or young person in pursuance of any such order shall be taken in such form as the court may think sufficient to bind him.

(5) Where an order is made under this section and the conviction or order binding the person to keep the peace is set aside or the person is acquitted, the order shall forthwith be void except with regard to anything that may have been lawfully done under it.

(6) In the case of a child the court may, instead of ordering the child to be committed to the care of a relative or other fit person, order that the child shall be sent to a certified school.

Warrant to search for child or young person ill-treated.

Sec. 16, Bombay Act XIII of 1924. Sec. 25, Guardian and Wards Act VIII of 1890.

20. (1) If it appears to a court duly empowered under this Act from information on oath or solemn affirmation, laid by any person who in the opinion of the court is acting in the interests of a child or young person, that there is reasonable cause to suspect that—

(*a*) the child or young person has been or is being wilfully ill-treated or neglected in any place within its jurisdiction in a manner likely to cause the child or young person unnecessary suffering or to be injurious to his health; or

(*b*) that an offence punishable under this Act or under Chapter XVI of the Indian Penal Code, 1860, has been or is being committed in respect of the child or young person, XLV of 1860.

the magistrate may make an order for the appearance of the child or young person in court and, for the purpose of enforcing the orders, may cause the child or young person to be arrested and detained in a place of safety until he can be brought before the court and the court, when the child or young person is brought before it, may commit him to the care of a relative or other fit person in like manner as if the person, in whose charge or control he was before arrest, had been committed for trial for an offence punishable under this Act or under Chapter XVI of the Indian Penal Code: XLV of 1860.

Povided that if the said child or young person is in the custody or control of a parent or guardian who being a female does not according to the customs and manners of the country appear in public, the magistrate shall ordinarily issue a summons and the person to whom such summons is issued shall be deemed to have complied with the summons if she causes the said child or young person to be produced in court.

(2) For the purpose of arresting the child or young person, the court may exercise the powers conferred on a magistrate of the first class by section 100 of the Code of Criminal Procedure, 1898. V of 1898.

(3) A court issuing a warrant to enforce an order under sub-section (1) may by the same or a separate warrant order the arrest of any person accused of any offence in respect of the child or young person.

(4) The police officer executing a warrant to enforce an order under sub-section (1) shall be accompanied by the person laying the information, if such person so desires, and also, if the magistrate by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

Sources of clauses.

(5) In any information or warrant under this section the name of the child or young person shall be given if known.

(6) The provisions of sections 75, 76, 77, 79, 81, 82, 83 and 84 of the Code of Criminal Procedure, 1898, shall apply, so far as may be, to all warrants issued under this section. V of 1898.

Sec. 17, Bombay Act XIII of 1924.

Compensation for false and frivolous or vexatious information.

21. (1) If in any case in which an information has been laid by any person under the provisions of section 20 the magistrate after such inquiry as he thinks fit is of opinion that such information was false and either frivolous or vexatious the magistrate may for reasons to be recorded in writing direct that compensation to such an amount not exceeding one hundred rupees as he may determine be paid by such informer to the person against whom the information was laid.

(2) Before making any order for the payment of compensation, the magistrate shall call upon the informer to show cause why he should not pay compensation and shall consider any cause which such informer may show.

(3) The magistrate may by the order directing payment of the compensation further order that in default of payment the person ordered to pay such compensation shall suffer simple imprisonment for a period of 30 days.

(4) When any person is imprisoned under sub-section (3) the provisions of sections 68 and 69 of the Indian Penal Code, 1860, shall, so far as may be, apply. XLV of 1860.

(5) No person who has been directed to pay compensation under this section shall by reason of such order be exempted from any civil or criminal liability in respect of the information given by him but any amount paid as compensation shall be taken into account in any subsequent civil suits relating to such matter.

(6) An informer who has been ordered to pay compensation exceeding fifty rupees may appeal from the order as if such informer had been convicted on a trial held by the magistrate directing the payment of compensation.

(7) When an order for the payment of compensation is made in a case which is subject to appeal under sub-section (6) the compensation shall not be paid to the person ordered to receive it before the period allowed for the presentation of the appeal has elapsed or if an appeal is presented before the appeal has been decided and where such order is made in a case which is not subject to appeal the compensation shall not be paid before the expiration of one month from the date of the order.

PART IV.

YOUTHFUL OFFENDERS.

Sec. 18, Bombay Act XIII of 1924.

Bail of children and young persons arrested.

22. Where a person apparently under the age of sixteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer in charge of the police station to which such person is brought shall release him on bail if sufficient security is forthcoming, unless the charge is one of culpable homicide or any other offence punishable with death or transportation, or for reasons to be recorded in writing the officer believes that such release would bring him into association with any reputed criminal:

Provided that when any female who appears to be a child or young person is arrested the officer in charge of a police station who has made the arrest or before whom the child or young person is produced shall release her at once if any person who in his opinion is a sufficient surety enters into a bond for such sum of money as the officer considers sufficient to produce her before the court and to appear in her stead if required at the police station.

Sec. 19, *ibid.*

Custody of children and young persons not discharged on bail after arrest.

23. Where a person apparently under the age of sixteen years having been arrested is not released under section 22 or otherwise, the officer in charge of the police station shall cause him to be detained until he can be brought before a court.

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Sources of clauses.

Remand or committal to custody.

Sec. 20, Bombay Act XIII of 1924.

24. A court, on remanding or committing for trial a child or young person who is not released on bail, shall order him to be detained.

Attendance at court of parent of child or young person charged with an offence, etc.

Sec. 21, *ibid.*

25. (1) Where a child or young person is charged with any offence or where a child is brought before a court on an application for an order to send him to a certified school, his parent or guardian may, in any case, and shall, if he can be found and resides within a reasonable distance and the person so charged or brought before the court is a child, be required to attend at the court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where the child or young person is arrested, the officer in charge of the police station to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(3) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual charge of or control over the child or young person :

Provided that if such parent or guardian is not the father, the attendance of the father may also be required.

(4) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

(5) Nothing in this section shall be deemed to require the attendance of the mother or the female guardian of a child or young person if such mother or female guardian does not according to the customs and manners of the country appear in public, but any such mother or female guardian may appear before the court by a pleader or agent.

Sentences that may not be passed on a child or young person.

Sec. 22, *ibid*,

26. Nothwithstanding anything to the contrary contained in any enactment for the time being in force no child or young person shall be sentenced to death or transportation or committed to prison :

Provided that a young person may be committed to prison if the court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a reformatory school and that none of the other methods in which the case may legally be dealt with is suitable.

Commitment of child to a certified school.

Sec. 23, *ibid*,

27. (1) Where a child is found to have committed an offence punishable with transportation or imprisonment, the court, if satisfied on inquiry that it is expedient so to deal with the child, may order him to be sent to a certified school.

(2) Where a child has been ordered by a court to give security under section 106 or section 118 of the Code of Criminal Procedure, 1898, and has failed to do so, the court which passed the order may order such child to be sent to a certified school.

V of 1898.

(3) Where prior to the commencement of this Act a youthful offender has been sentenced to transportation or imprisonment, the Local Government may direct that in lieu of undergoing or completing such sentence he shall, if under the age of fourteen years, be sent to a certified school; and thereupon the offender shall be subject to all the provisions of this Act as if he had been originally sentenced to detention in such school.

Power to discharge youthful offender or to commit him to suitable custody.

Sec. 24, *ibid*.

28. A court may, if it shall think fit, instead of directing any youthful offender to be detained in a certified school, order him to be—

(*a*) discharged after due admonition, or

(*b*) committed to the care of his parent or guardian or other adult relative or other fit person on such parent, guardian, relative or person executing a bond, with or without sureties, as the court may require, to be responsible for the good behaviour of the youthful offender for any period not exceeding twelve months, and the court may in either case pass a further order that the youthful offender be placed under the supervision of a person named by the court.

Sources of clauses.

Sec. 25, Bombay Act XIII of 1924.

Power to order parents to pay fine etc., instead of child or young person.

29. (1) Where a child or young person is convicted of an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may, in any case, and shall, if the offender is a child, order that the fine be paid by the parent or guardian of the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conducted to the commission of the offence by neglecting to exercise due care of the child or young person.

(2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898. V of 1898.

(4) A parent or guardian may appeal against any such order as if it had been an order passed in proceedings against himself.

Sec. 26, *ibid.*

Detention in the case of certain crimes committed by children or young persons.

30. (1) When a child or young person is convicted of an offence of so serious a nature that the court is of opinion that no punishment which under the provisions of this Act or of the Reformatory Schools Act, 1897, it is authorized to inflict is sufficient, the court shall order the offender to be kept in safe custody in such place or manner as it thinks fit and shall report the case for the orders of the Local Government. VIII of 1897.

(2) Notwithstanding the provisions of section 26, the Local Government may order any such child or young person to be detained in such place and on such conditions as it thinks fit, and while so detained the child or young person shall be deemed to be in legal custody:

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child or young person could have been sentenced for the offence committed.

PART V.

MAINTENANCE AND TREATMENT OF PERSONS SENT TO CERTIFIED SCHOOLS OR COMMITTED TO THE CARE OF RELATIVES OR OTHER FIT PERSONS.

Sec. 28, Bombay Act XIII of 1924.

Contribution of parent.

31. (1) The court which makes an order for the detention of a child or youthful offender in a certified school or for the committal of a child or young person or youthful offender to the care of a relative or other fit person may make an order on the parent or other person liable to maintain the child, young person or youthful offender, to contribute to his maintenance, if able to do so.

(2) The court before making any order under sub-section (1) shall inquire into the circumstances of the parent or other person liable to maintain the youthful offender, child or young person and shall record the evidence, if any, in the presence of the parent or such other person as the case may be or when his personal attendance is dispensed with in the presence of his pleader.

(3) Any order made under this section may from time to time be varied by the court.

(4) The persons liable to maintain a child, young person or youthful offender shall for the purposes of sub-section (1) include in the case of illegitimacy his putative father:

Provided that where the child, young person or youthful offender is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1898, the court shall not ordinarily make an order for contribution against the putative father but may order the whole or any part of the payments accruing due under the said order for maintenance to be paid to such person or persons as may be named, to be applied by him or them. V of 1898.

Sources of clauses.

as the case may be, towards the maintenance of the child, young person or youthful offender.

(5) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898. **V of 1898.**

Boarding out of children.

32. (1) The managers of a certified school to which a child under the age of eight years is sent may, with the consent of the Chief Inspector, board the child out with any suitable person until the child reaches the age of ten years and thereafter with the consent of the Chief Inspector, for such longer period as the managers consider to be advisable in the interests of the child. **Sec. 29, Bombay Act XIII of 1924.**

(2) The managers of the certified school shall exercise supervision over the child so boarded out and may, at any time, recall him if they think it proper so to do.

(3) Where a child is so boarded out he shall nevertheless be deemed for the purposes of this Act to be a child detained in the school, and the provisions of this Act shall apply accordingly, subject to such necessary adaptations as may be made by the Local Government.

Placing out on licence.

33. Where a child or youthful offender is detained in a certified school, the managers of the school may at any time with the consent of the Chief Inspector, by licence permit the child or youthful offender to live with any trustworthy and respectable person named in the licence willing to receive and take charge of him with a view to educate him or train him for some useful trade or calling. **Sec. 30, *ibid*.**

(2) Any licence so granted shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.

(3) The managers of the school may at any time by order in writing revoke any such licence, and order the child or youthful offender to return to the school and shall do so at the desire of the person with whom the child or youthful offender is licensed to live. If the child or youthful offender refuses or fails to return to the school, the managers of the school may, if necessary, arrest or cause to be arrested the child or youthful offender and take him or cause him to be taken back to the school.

(4) When a licence has been revoked or forfeited and the child or youthful offender refuses or fails to return to the school, the court may, if satisfied by information on oath or solemn affirmation that there is reasonable ground for believing that his parent or guardian is able to produce the child or youthful offender, issue a summons requiring the parent or guardian to attend at the court on such a day as may be specified in the summons and to produce the child or youthful offender, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be punished with a fine which may extend to fifty rupees.

(5) Where a parent or guardian is directed to pay a fine under this section the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898. **V of 1898.**

(6) The time during which a child or youthful offender is absent from a certified school in pursuance of a licence under this section, excluding, in the case of a child or youthful offender who has failed to return to the school on the licence being revoked or forfeited, such time as may have elapsed after his failure to return, shall be deemed to be part of the time of his detention in the school.

Penalty for abetting escape of youthful offender or child.

34. Whoever— **Sec. 31, *ibid*.**

(*a*) knowingly assists or induces, directly or indirectly, a child or youthful offender detained in or placed out in licence from a certified school to escape from the school or from any person with whom he is placed out on licence, or any child or young person to escape from the person to whose care he is committed under the provisions of this Act;

(*b*) knowingly harbours, conceals, or prevents from returning to school, or to any person with

Sources of clauses.

whom he is placed out on licence or to whose care he is committed under this Act, a child, young person or youthful offender, who has so escaped, or knowingly assists in so doing, shall be punishable with imprisonment of either description for a term which may extend to two months or with a fine which may extend to two hundred rupees, or with both.

Sec. 32, Bombay Act XIII of 1924.

Period of detention.

35. The period for which a child or youthful offender is to be detained in a certified school shall be specified in the order in pursuance of which he is sent there and shall be such period as the court may consider proper for his teaching and training but not in any case extending beyond the time when he will, in the opinion of the court, attain the age of sixteen years.

Sec. 33, *ibid.*

Discharge and transfer.

36. (1) The Local Government may at any time order a child or youthful offender to be discharged from a certified school, either absolutely or on such conditions as the Local Government may impose.

(2) The Local Government may order

(*a*) a child over the age of twelve years detained in a certified school, who is found to be exercising an evil influence over the other children in the school or who is guilty of a serious breach of the rules of the school or of escaping from the school, to be transferred to a reformatory school;

(*b*) a youthful offender under the age of fourteen years detained in a reformatory school to be transferred to a certified school;

(*c*) a child or youthful offender to be transferred from one certified school to another:

Provided that the whole period of the detention of the child or youthful offender shall not be increased by the transfer.

(3) The Local Government may at any time in its discretion discharge a child or young person from the care of any person to whose care he is committed under this Act, either absolutely or on such conditions as the Local Government may impose.

PART VI.

CERTIFIED SCHOOLS AND OTHER INSTITUTIONS.

Sec. 34, Bombay Act XIII of 1924.

Establishment and certification of schools.

37. (1) The Local Government may establish and maintain industrial schools for the reception of children and youthful offenders.

(2) The Local Government may certify that any industrial school or other educational institution not established under sub-section (1) is fit for the reception of children or youthful offenders.

Sec. 35, *ibid*

Management of schools

38. (1) For the control and management of every school established under sub section (1) of section 37 a superintendent and a committee of visitors shall be appointed by the Local Government and such superintendent and committee shall be deemed to be the managers of the school for the purposes of this Act.

(2) Every school certified under sub-section (2) of section 37 shall be under the management of a governing body who shall be deemed to be the managers of the school for the purposes of this Act.

Sec. 36, *ibid.*

Inspection of schools.

39. (1) The Local Government may appoint a Chief Inspector of certified schools and such number of inspectors and assistant inspectors as he thinks advisable to assist the Chief Inspector; and every person so appointed to assist the Chief Inspector shall have such of the powers and duties of the Chief Inspector as the Local Government directs but shall act under the direction of the Chief Inspector.

(2) Every certified school shall, at least once in every six months, be inspected by the Chief Inspector of certified schools, or by an inspector or assistant inspector:

Provided that where any such school is for the reception of girls only and such inspection is not made by the Chief Inspector, the inspection shall where practicable be conducted by a woman.

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Sources of clauses.

Power of Inspectors.

40. A certified school shall be liable to inspection at all times and in all its departments by the Chief Inspector or inspector or assistant inspector or by any member of the Central Provinces Legislative Council or by any member of the Legislative Assembly or the Council of State representing any constituency in the Central Provinces.

Sec. 37, Bombay Act XIII of 1924.

Medical inspection.

41. Any medical practitioner empowered in this behalf by the Local Government may visit any certified school at any time with or without notice to its managers in order to report to the Chief Inspector on the health of the inmates and the sanitary condition of the school.

Sec. 38, *ibid.*

Power of Local Government to withdraw certificate.

42. The Local Government, if dissatisfied with the condition, rules, management or superintendence of a certified school, may at any time by notice served on the managers of the school declare that the certificate of the school is withdrawn as from a time specified in the notice and at that time the withdrawal of the certificate shall take effect and the school shall cease to be a certified school :

Provided that the Local Government may, if it thinks fit, instead of withdrawing the certificate, by notice served on the managers of the school, prohibit the admission of children or youthful offenders to the school for such time as may be specified in the notice or until the notice is revoked :

Provided also that before the issue of notice under this section or under the first proviso thereto a reasonable opportunity shall be given to the managers of the school to show cause why the certificate shall not be withdrawn or admission to the school shall not be prohibited as the case may be.

Sec. 39, *ibid*

Resignation of certificate by managers.

43. The managers of a certified school may, on giving six months' notice in writing to the Local Government through the Chief Inspector of their intention so to do, resign the certificate of the school and accordingly at the expiration of six months from the date of the notice, unless before that time the notice is withdrawn, the resignation of the certificate shall take effect, and the school shall cease to be a certified school.

Sec. 40, *ibid.*

Effect of withdrawal or resignation of certificate.

44. A child or youthful offender shall not be received into a certified school in pursuance of this Act after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate or after the date of a notice of resignation of the certificate; but the obligation hereinafter mentioned of the managers to teach, train, lodge, clothe, and feed any children or youthful offenders detained in the school at the respective dates aforesaid shall, except so far as the Local Government may otherwise direct, continue until the withdrawal or resignation of the certificate takes effect.

Sec. 41, *ibid.*

Disposal of inmates on withdrawal or resignation of certificate.

45. When a school ceases to be a certified school, the children or youthful offenders detained therein shall be either discharged, absolutely or on such conditions as the Local Government may impose, or transferred by order of the Local Government to some other certified school in accordance with the provisions of this Act relating to discharge and transfer.

Sec. 42, *ibid.*

Auxiliary homes.

46. The Local Government may establish auxiliary homes for the reception of any inmates or any classes of inmates of certified schools or may certify any other such home heretofore established or which hereafter may be established by any other agency, and the certificate may be withdrawn or resigned in like manner as a certificate of a school and every such home shall, for such purposes as are specified by the Local Government, be treated as part of the certified school or schools to which it is attached.

Sec. 43, *ibid.*

Liabilities of managers.

47. The managers of a certified school not established by the Local Government may decline to receive any child or youthful offender proposed to be sent to them in pursuance of this Act, but when they have once accepted any such child or youthful offender, they shall be deemed to have undertaken to teach, train, lodge, clothe, and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school.

Sec. 44, *ibid.*

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Sec. 45, Bombay Act XIII of 1924.

Inspection of institutions for reception of poor children.

48. (1) The Local Government may cause any institution for the reception of poor children or young persons supported wholly or partly by voluntary contributions, and not liable to be inspected by or under the authority of any Government department, to be visited and inspected from time to time at all reasonable hours, by persons appointed by it for the purpose of securing the health and welfare of the children or young persons and the sanitation of the premises.

(2) Any person so appointed shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof and of all registers relating thereto for the aforesaid purposes. Any person who obstructs him in the execution of his duties shall be liable on conviction to a fine not exceeding fifty rupees.

(3) Where any such institution is carried on in accordance with the principles of any particular religious denomination, the Local Government shall, if so desired by the managers of the institution, appoint, where practicable, a person of that denomination to visit and inspect the institution.

(4) Where any such institution is for the reception of girls only, the inspection shall, where practicable, be conducted by a woman.

PART VII.

JUVENILE COURTS.

Sec. 46, Bombay Act XIII of 1924.

Juvenile Courts.

49. (1) The Local Government may provide for the establishment in any area of one or more separate courts for the conduct of proceedings under this Act at which the attendance of the child or young person is required.

(2) Where no such separate court has been established the court before which a child or young person is brought shall unless the child or young person is tried jointly with any other person not being a child or young person, wherever practicable, sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

PART VIII.

MISCELLANEOUS.

Sec. 47, Bombay Act XIII of 1924.

Provision as to religion.

50. (1) In determining the certified school to which a child or youthful offender is to be sent under this Act, the court shall ascertain the religious denomination of the child or youthful offender and shall, if possible, select a school in which facilities are afforded for instruction in his religion.

(2) In determining on the person to whose care a child or young person shall be committed under this Act, the court shall ascertain the religious denomination of the child or young person and shall, if possible, select a person of the same religious denomination or a person who gives such undertaking as seems to the court sufficient that the child or young person will be brought up in accordance with the religion of the child or young person and such religion shall be specified in the order.

(3) In any case where a child or young person has been committed pursuant to any such order to the care of a person who is not of the religious denomination of the child or young person or who has not given such undertaking as aforesaid, the court which made the order shall, on the application of any person in that behalf and on its appearing that a fit person of the religious denomination of the child or young person or who will give such undertaking as aforesaid is willing to undertake the care of the child or young person, make an order committing him to the care of such fit person.

(4) When, in the absence of any certified school or person of the same religion as the child or young person, a child or young person is committed to the care of a certified school in which facilities for instruction in his religion are not afforded or to a person who does not give an undertaking that the child or young person entrusted to him will be

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Sources of clauses.

brought up in his religion, the court shall take an undertaking from such school or such person that the child shall not be brought up in any religion other than his own.

(5) Where a child or a youthful offender is boarded out or is permitted by licence to live with any other person the manager of the school shall select for this purpose a person of the same religion as the child or youthful offender or a person who gives a satisfactory undertaking that the child or the youthful offender shall be brought up in accordance with the religion of such child or youthful offender.

(6) When a child or young person has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed, the child or young person shall be liable to be removed from the care of such person and dealt with according to the provisions of sub-section (3) of this section.

(7) Whenever any person interested in the religion of the child or young person is informed of any attempt at conversion or tampering with his religion he may apply to the court for an enquiry, and the court on being satisfied may issue an order removing the said child or young person from the custody of such institution or person and hand over the custody to another institution or fit person.

Control of custodian over child or young person.

51. Any person to whose care a child or young person is committed under the provisions of this Act shall, while the order is in force, have the like control over the child or young person as if he were his parent, and shall be responsible for his maintenance, and the child or young person shall continue in his care notwithstanding that he is claimed by his parent or any other person.

Sec. 49, Bombay Act XIII of 1924.

Bonds taken under the Act.

52. The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to bonds taken under this Act.

V of 1898.

Sec. 53, *ibid.*

Appeals.

53. (1) An appeal from an order or sentence passed by a court under sections 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 19, 30, 31, 33, 50 shall lie—

(*a*) if passed by a juvenile court, to the District Magistrate;

(*b*) if passed by any magistrate, to the court of session; and

(*c*) if passed by a court of session, to the Judicial Commissioner's Court.

(2) No appeal shall lie from any order passed in any such appeal.

(3) Any order passed under the provisions of this Act and not subject to appeal under sub-section (1) may be revised by the Judicial Commissioner's Court.

Sec. 51, *ibid.*

Rules.

54. (1) The Local Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing, such rules may be made with regard to—

(*a*) the establishment and maintenance of certified schools and auxiliary homes and the certification of schools as certified schools and of auxiliary homes;

(*b*) the management of certified schools and auxiliary homes;

(*c*) the appointment of visitors and their tenure of office;

(*d*) the inspection of certified schools;

(*e*) the maintenance, education and industrial training of the inmates of certified schools;

(*f*) the conveyance of youthful offenders and children to certified schools;

(*g*) the grant of permission to the inmates of certified schools to absent themselves for short periods;

(*h*) visits to and communication with the inmates of certified schools;

(*i*) the punishment of offences committed by the inmates of certified schools;

Sec. 52, *ibid.*

Sources of clauses.

(*j*) the inspection of the institutions referred to in section 48.

(*k*) the manner of detention of children and young persons under arrest or remanded or committed for trial;

(*l*) the procedure to be adopted in any case or inquiry under this Act before any court other than a juvenile court;

(*m*) the persons who may be authorized to act under section 6 or 18;

(*n*) the manner in which a child or young person may be committed to the care of a relative or other fit person, and the duties of such persons and the supervision of such children and young persons;

(*o*) the contribution by parents and other persons liable to maintain youthful offenders, children and young persons;

(*p*) the boarding out of children and the licensing and supervision of youthful offenders and children; and the submission of reports on such youthful offenders or children;

(*q*) the procedure to be adopted in juvenile courts; and

(*r*) the time within which appeals under section 53 shall be filed.

(3) All rules made under clauses (*k*) and (*q*) of sub-section (2) shall be subject to the previous approval of the Governor General in Council.

(4) The power to make rules under this Act shall be subject to the condition of previous publication.

STATEMENT OF OBJECTS AND REASONS.

The statistics of crime in India and in other countries show that the large maj of habitual criminals start their careers of crime before they have reached the age of 25 years. Any measures, therefore, for the prevention of crime must be aimed at keeping young persons out of prison.

A traveller by rail cannot help being struck by the large number of children who haunt railway stations, scantily clothed and often diseased and who importune travellers for alms. In all large cities the number of young persons who have no fixed homes and who live by begging and stealing is steadily on the increase. These children and young adults migrate from city to city, travelling without tickets, by slow trains chiefly at night. Many of them are members of definite organizations and have spent periods in schools specially run to teach criminal methods, the owners of which also act as receiving agents for the goods stolen by the young criminals in their area.

This Bill has been prepared with the object of cutting off the supply of young criminals at its source.

It provides for the protection of children and young persons who are destitute. Penalties are provided for those who encourage children and young persons in wrong doing or who ill-treat them in any way. The institution of special schools is provided for where primary education and vocational training can be given to fit the young persons to earn their own living by honest work. Rules are made for the organization and management of these schools. Provision is also made for setting up special courts for the investigation and trial of offences by children and young persons.

S. B. TAMBE,

Member in charge.

NAGPUR:

The 28th January 1927.